

1 HONORABLE RONALD B. LEIGHTON
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

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10 ADVOCARE INTERNATIONAL, L.P., a
11 Texas limited partnership,

12 Plaintiff,

13 v.

14 RICHARD PAUL SCHECKENBACH, et al.,

15 Defendants.

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17 Case No. C08-5332 RBL

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19 ORDER GRANTING PLAINTIFF'S
20 MOTION FOR PARTIAL SUMMARY
21 JUDGMENT [Dkt. #288]

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28 THIS MATTER comes before the Court on Plaintiff's Motion for Partial Summary Judgment [Dkt. #288]. Plaintiff AdvoCare moves this Court for summary judgment dismissal of three of Defendants' affirmative defenses. The Court has reviewed the materials, and hereby **GRANTS** Plaintiff's Motion. The affirmative defenses [Nos. 12, 16, 17, in Dkt. #s 276, 277, 278] asserted by R-Squared Nutrition Inc., Breakthrough Nutrition, and Ascential Bioscience, LLC, relating to the Texas judgment being obtained by fraud and the adjudication of Scheckenbach's absence of fraud are **DISMISSED**. The reasons for the Court's Order are outlined in its Order [Dkt. #307] Granting Plaintiff's substantially identical Motion for Summary Judgment filed by a different subset of Defendants [Dkt. #275]. **IT IS SO ORDERED.**

DATED this 13th day of August, 2010.


RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE